

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY  
LABORATORIES, INC., SONIC  
HEALTHCARE USA, INC., MEDLAB  
PATHOLOGY, SONIC HEALTHCARE  
(IRELAND) LIMITED, AND SONIC  
HEALTHCARE LIMITED.

Defendants.

783

CIVIL ACTION NO.: 1-20-cv-

**DECLARATION OF RUTH MOORE IN SUPPORT OF  
CERTAIN DEFENDANTS' MOTION TO DISMISS**

I, Ruth Moore, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am over twenty-one years of age, have never been convicted of a felony, and am fully competent and qualified to testify to the matters set forth in this declaration.
2. The facts contained in this declaration are based on my personal knowledge and are true and accurate.
3. I am Management Accountant at Defendant MedLab Pathology ("MedLab").
4. I have held that position with MedLab since January 2016.
5. I am generally familiar with the above-captioned matter (the "Lawsuit").

6. I understand that the Lawsuit pertains to whether and to what extent there is insurance coverage for the Defendants under the Homeland Primary Policy and Homeland Excess Policy for the Ms. S Claim.<sup>1</sup>

7. Sonic Healthcare (Ireland) Ltd. (“Sonic Ireland”) is a group holding company and MedLab Pathology is a company within that group. In my position I am familiar with whether MedLab Pathology or Sonic Ireland made any payments regarding the defense or settlement of the Ms. S. lawsuit.

8. On behalf of Defendants MedLab and Sonic Ireland, I hereby state that Defendants MedLab and Sonic Ireland did not contribute toward the defense of Clinical Pathology Laboratories, Inc. (“CPL”) in the Ms. S. Claim or the settlement of the Ms. S Claim by CPL. Defendants MedLab and Sonic Ireland were covered by a different insurer in connection with the Ms. S lawsuit.

9. For that reason, among other reasons, I hereby state that Defendants MedLab and Sonic Ireland have not sought, and will not seek, insurance coverage for any costs associated with the Ms. S Claim under either the Homeland Primary Policy or the Homeland Excess Policy.

10. Because of that, Defendants MedLab and Sonic Ireland have no dispute with Plaintiff Homeland Insurance Company of New York regarding insurance coverage for the Ms. S Claim.<sup>2</sup>

 28/09/2020.  
Ruth Moore

---

<sup>1</sup> Capitalized terms are defined in Homeland Insurance Company of New York’s Complaint for Declaratory Judgment (July 24, 2020) [Doc. No. 1].

<sup>2</sup> Other entities, including but not limited to Defendant Clinical Pathology Laboratories, Inc., may have such a dispute, but Defendant Sonic Ireland does not.